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PATENT

Serial No. 09/829,794

Amendment in Reply to Final Office Action mailed on May 30, 2006

REMARKS

The following remarks are being filed in response to the Final Office Action mailed May 30, 2006, which has been reviewed and carefully considered. Reconsideration and allowance of the present application in view of the following remarks and arguments are respectfully requested.

In the Final Office Action, claims 1-3 and 5-14 are rejected under 35 U.S.C. §103(a) as allegedly unpatentable over U.S. 5,551,077 (Oda) in view of U.S. 6,317,593 (Vossler). Further, claims 15-16 are rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Oda in view of Vossler and U.S. 6,408,196 (Sheynblat). Claims 17-18 are rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Oda, in view of Vossler, Sheynblat and U.S. 6,311,081 (Northcutt). In addition, claim 4 is rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Oda, in view of Vossler and U.S. 5,036,532 (Metroka). Claim 19 is rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Oda, in view of Vossler, Sheynblat and Metroka. Claim 20 is rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Oda, in view of

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Vossler, Sheynblat, Metroka and U.S. 5,995,814 (Yeh). Finally, claims 21-22 are rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Oda, in view of Vossler and Northcutt. It is respectfully submitted that claims 1-22 are patentable over Oda, Vossler Sheynblat, Northcutt, Metroka and Yeh for at least the following reasons.

Oda is directed to a portable telephone having a main power source 2 and an auxiliary power source 3 as shown in FIG 1. As correctly noted by the Examiner, Oda does not teach or suggest means for automatically and periodically updating a start time, as recited in independent claim 1, and similarly recited in independent claims 6, 15 and 21. Vossler is cited in an attempt to remedy this deficiency in Oda.

Vossler is directed to an intelligent cellular telephone function having a controller with automatic scheduler which activates and deactivates phone functions according to entries made by a user and stored as a schedule table, shown in FIG 4. (See column 4, line 8; and column 5, lines 48-49, lines 60-61) That is, a user selects scheduling activation/deactivation times which are then stored in RAM 154 (FIG 1), as a one time event or a repeating

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event. The repeating scheduling times are stored as a schedule table shown in FIG 4.

It should be noted that in Vossler, whether the schedule or some schedules time is stored as a one time event or a repeating event, this stored scheduled time is NEVER automatically or periodically updated. The scheduled time is stored by the user and, presumably, the user can change or update it.

A stored 'repeating' scheduled time is NEVER automatically updated either. The fact that the scheduled time repeats by no way means that it is automatically updated. There is simply no teaching or suggestion in Vossler to automatically or periodically update the scheduled time, which is stored only once by the user and is NOT to automatically or periodically updated, whether the scheduled time is for a one time event or a repeating event, such as every week or every month for example.

The scheduled or start time in Vossler is not automatically or periodically updated. The scheduled or start time, even if repeating, is fixed or stored once by the user and is not changed or updated automatically or periodically. For example, if the scheduled start time is 8AM tomorrow or 8AM everyday, then at 8AM

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tomorrow or at 8AM everyday the device will start. This does not mean that the start time is updated or changed. Rather, the start time is fixed and remains the same, namely, being exactly the same as it was stored, i.e., start at 8AM tomorrow or everyday.

It is the current time of the Vossler device which is updated, and when this current time reaches the fixed/unchanging scheduled start time, then the Vossler device starts to perform some task as scheduled.

It is respectfully submitted that Vossler does not teach or suggest means for automatically and periodically updating a start time, as recited in independent claim 1, and similarly recited in independent claims 6 and 21. Any changes or updates are made by a user. Even the table of repeating scheduling times is NOT updated; rather (once determined) the repeating scheduling times are merely stored in RAM 154 as individual static entries in a table format.

Oda and Vossler, and combination thereof, do not teach or suggest means for automatically and periodically updating a start time, wherein the auxiliary power source does not supply power to the updating means when the main power source is incapable of supplying power, as recited in independent claim 1, and similarly

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recited in independent claims 6, 15 and 21.

Sheynblat, Northcutt, Metroka and Yeh are cited in rejecting other claims, and/or to allegedly show other features, and do not remedy the deficiencies in Oda and Vossler.

Accordingly, it is respectfully submitted that independent claims 1, 6, 15 and 21 are allowable, and allowance thereof is respectfully requested. In addition, it is respectfully submitted that claims 2-5, 7-14, 16-20 and 22 should also be allowed based at least on their dependence from independent claims 1, 6, 15 and 21.

In addition, Applicant denies any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicant reserves the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

It is believed that no additional fees or charges are currently due. However, in the event that any additional fees or charges are required for entrance of the accompanying amendment,

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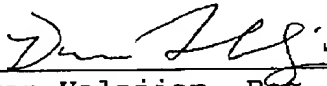
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they may be charged to Applicant's representatives Deposit Account No. 50-3649. In addition, please credit any overpayments related to any fees paid in connection with the accompanying amendment to Deposit Account No. 50-3649.

In view of the above, it is respectfully submitted that the present application is in condition for allowance, and a Notice of Allowance is earnestly solicited.

Respectfully submitted,

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July 10, 2006

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